

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

Stephen Mark Hause,	)	Civil Action No. 9:13-3531-RMG-BM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>REPORT AND RECOMMENDATION</b>
Lt. Jeremy Vetter, Major Jones,	)	
James Metts, CO Haldane Bastain,	)	
Michael Hudson, Sgt. Travis Felder,	)	
and Sgt. Melissa K. Lyons,	)	
	)	
Defendants.	)	
_____	)	

This action was filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983. The Defendants have filed with the Court a Suggestion of Death of the Plaintiff in accordance with Rule 25(a), Fed.R.Civ.P. Defendants served the Suggestion of Death by mailing a copy of the same to the Plaintiff's next of kin and/or successor on October 21, 2014. Pursuant to Rule 25, any motion for substitution of parties must be made within ninety (90) days after the death is suggested on the record; otherwise, the Court shall dismiss the action as to the deceased party. Here, the Suggestion of Death was filed October 16, 2014, and the certificate of service was filed on October 21, 2014; therefore, any motion to substitute parties was required to have been filed by January 20, 2015.

The undersigned is advised by the Clerk's office that no further filings or



documentation have been received on behalf of the Plaintiff in this file.<sup>1</sup> Since no motion for substitution of parties has been filed, the undersigned recommends **dismissal** of this case pursuant to Rule 41(b), Fed.R.Civ.P. See also Rule 25, Fed.R.Civ.P.

The Clerk is directed to mail a copy of this Report and Recommendation to the Plaintiff at his last known address, as well as to Plaintiff's mother, Edith Hause, at the address shown in the file. The parties are referred to the Notice Page attached hereto.



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Bristow Marchant  
United States Magistrate Judge

January 26, 2015  
Charleston, South Carolina

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<sup>1</sup>Defendants have, however, filed a motion to dismiss this case based on no motion to substitute parties having been filed. If the Court adopts the recommendation contained herein, Defendants' motion will be moot.

**Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).